

APPROVED

MINUTES

SCOTTSDALE CITY COUNCIL

CITY COUNCIL MEETING

Monday, November 17, 2003

**The Kiva
City Hall
Scottsdale, Arizona**

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Call to Order (In City Hall Kiva Forum)

Mayor Manross called to order the Regular Meeting of the Scottsdale City Council on Monday, November 17, 2003 in the Kiva, City Hall, at 5:02 P.M.

Roll Call

Present: Mayor Mary Manross
Vice Mayor Wayne Ecton
Council Members David Ortega, Tom Silverman,
Robert Littlefield and Ned O'Hearn

Also Present: City Manager Jan Dolan
City Attorney Brad Woodford
City Clerk Carolyn Jagger

Pledge of Allegiance

Scout Troop #889 from Our Lady of Perpetual Help School, with their leader Kathy Kruzel, led the audience in the Pledge.

Invocation

Pastor Tom Jelinek from Los Arcos United Methodist Church gave the invocation.

Announcement

Mayor Manross provided information about the Adopt-A-Family Program and urged citizens to participate.

Appointment

Mayor Manross explained this appointment for a Council Member is for a six-month period in order to replace Cynthia Lukas who resigned to run for Mayor. Mr. Woodford reviewed the rules to be followed during the nominations.

Mayor Manross nominated Larry Beckner
Councilman Ortega nominated Barbara Williams
Councilman Silverman nominated Anthony Nelssen
Councilman Littlefield nominated Roberta Pilcher

The first round-vote was as follows: three votes for Beckner, one for Williams, one for Nelssen, one for Pilcher. Three lowest point receiver names were placed in a hat and Mr. Nelssen was eliminated.

After the second-round vote, Ms. Williams was eliminated.

After the third-round vote, there was a tie between Ms. Pilcher and Mr. Beckner, with Mayor Manross, Vice Mayor Ecton, and Councilman O'Hearn voting for Mr. Beckner, and Council

members Ortega, Silverman, and Littlefield voting for Ms. Pilcher. By a draw from a hat, Mr. Beckner's name was eliminated.

Mr. Woodford called for a vote of the Council to appoint Roberta Pilcher to the temporary Council seat and it was approved 6-0.

Public Comment

No comment cards were received.

Consent Agenda Items 1 - 6

1. Construction Bid Award for Chaparral Water Treatment Plant

Request: Authorize Construction Bid Award No. 04PB034 for the construction of the Chaparral Water Treatment Plant, located at the southeast corner of McDonald Drive and Hayden Road, to Archer Western Contractors, the lowest responsive bidder, at their lump sum bid of \$57,153,000.

Staff Contact(s): Al Dreska, Capital Project Management Administrator, 480-312-5555, adreska@scottsdaleaz.gov; Bill Peifer, Project Manager, 480-312-7869, bpeifer@scottsdaleaz.gov

Vice Mayor Ecton requested a presentation and Joe Gross provided a brief history and description of the project. Mayor Manross reminded everyone that the \$57M price tag was funded by water rates and water development fees. Responding to Councilman Ortega, Mr. Gross explained the current dog park would be moved south temporarily.

2. Acquire two easements for widening of 96th Street, Shea Boulevard to Thunderbird Road

Request: Adopt Resolution No. 6404 authorizing the acquisition of a Bus Shelter Easement and a Slope, Sidewalk & Landscaping Easement on property located at the SWC of 96th St. and Shea Blvd. From Drug (AZ) QRS 14-42, Inc. (formerly known as PCS, Inc.), for the total appraised value of \$30,965 plus approximately \$600 in closing costs, for the 96th St. Improvements CIP project (Shea – Thunderbird Road).

Related Policies, References:

- a. Resolution No. 6253 authorized the initiation of negotiations for the acquisition of 16 various parcels of right-of-way/easements (ROW) from nine property owners for the 96th St. Improvements project (Shea-Thunderbird Rd)
- b. Cactus Corridor Equestrian Overlay District
- c. Bond 2000 CIP Project

Staff Contact(s): Al Dreska, Capital Project Management Administrator, 480-312-5555, adreska@scottsdaleaz.gov; Marek Urbanek, Project Manager, 480 312-2563, murbanek@ci.scottsdale.az.us; Rhonda Thomas, Right of Way Agent, 480 312-7847, Rthomas@ci.scottsdale.az.us

3. Removed from the Consent Agenda for separate action. See page 4.

4. City Animal Control Ordinance Update

Request: Adopt Ordinance Number 3535, amending City Code Chapter 4 (Animals) to conform to changes in the state animal control code, as required by Arizona Revised Statute.

Staff Contact(s): Molly Edwards, City Housing Manager and Contract Administrator for Animal Control, 480-312-4304; medwards@scottsdaleaz.gov; Judy Register, Citizen and Neighborhood Resources General Manager, 480-312-2454, jregister@scottsdaleaz.gov

5. Loloma "Main Street Plaza" design and pre-construction services agreements and first amendments to the Loloma Redevelopment Agreement

Requests:

- Confirm the execution of "construction manager at risk", a.k.a. "CM@Risk" Pre-construction Services Agreement between Arts District Group, L.L.C., and The Weitz Company in the amount of \$41,000 for Public Underground Parking Facility, Developer Public Improvements and Structural Parking Garage Upgrades to accommodate the future Loloma Museum Plaza. Recent legislative amendments to Arizona Revised Statutes Title 34 now permit alternatives to the traditional Design-Bid-Build process for constructing public buildings and improvements. "CM@Risk" is a qualifications based selection of a contractor based on expertise and experience. The CM@Risk contractor is selected during the design phase of the project and provides input to value engineering, cost estimates, construction, schedules and continuously refines the project for cost and scheduling efficiencies.
- Confirm execution of Contract Amendment No. One to Contract No. 2003-002 between Arts District Group, L.L.C., and DFD Cornoyer Hedrick Architects in the amount of \$44,500 for additional design services for the Public Underground Parking Facility to accommodate the future Loloma Museum Plaza; and
- Authorize First Amendments to Loloma Redevelopment Agreement No. 2002-024:
 - a) First Amendment to Annex Parcel Option Agreement;
 - b) First Amendment to Walkway North Parcel Agreement;
 - c) First Amendment to Loloma Plat;
 - d) First amendment to Redevelopment Agreement.

Related Policies, References:

- Loloma (Main Street Plaza) Phase I, Downtown Scottsdale DRB Case #33-DR-03 Approved June 19, 2003
- Zoning Case #2-ZN-00 and 7-UP-00
- Confirmation by City Council on March 17, 2003 of Contract No. 2003-002 between DFD Cornoyer Hederick (Project Architect) and the Arts District Group for design of the Public Underground Parking Facility at Loloma
- Resolution No. 6027 Adopted March 11, 2002 Loloma Redevelopment Agreement #2002-024

Staff Contact(s): Al Dreska, Capital Project Management Administrator, 480-312-5555, adreska@scottsdaleaz.gov; Corey E. Lew, Project Manager, 480-312-7769, clew@scottsdaleaz.gov; Monique De Los Rios-Urban, Sr. Planner, 480-312-7898, mdelosrios-urban@scottsdaleaz.gov

6. Special One-Time Holidays and Temporary Vacation Carryover Waiver

Requests:

1. Authorize three Special One-Time Holidays:
 - ✓ Wednesday, December 24, 2003
 - ✓ Friday, December 26, 2003

✓ Friday, January 2, 2004

2. Adopt Ordinance No. 3531 to authorize a temporary waiver of the vacation "maximum hours carryover to next year" for December 31, 2003.

Related Policies, References:

1. Scottsdale Revised Code Section 14-81 relating to Holidays
2. Scottsdale Revised Code Section 14-82 relating to Vacation
3. Administrative Guideline #354, Overtime Management and Utilization
4. Administrative Guideline #343, Leave Policies

Staff Contact(s): Neal Shearer, Human Resources General Manager, 480-312-2604, nshearer@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

VICE MAYOR ECTON MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1, 2, 4, 5, AND 6. COUNCILMAN ORTEGA SECONDED THE MOTION WHICH CARRIED 6/0.

Item 3 removed from Consent Agenda for separate action:

3. 2003-2004 Signature Events Funding Agreements

Requests:

- A. Authorize funds from the Bed Tax for event promotion in the amount of \$115,593 as recommended by the Tourism Development Commission (TDC) at their October 21, 2003 meeting for the following Signature Events:

<u>Signature Event</u>	<u>Recommended FY03-04</u>	<u>Actual FY02-03</u>
Arizona Sun Country Quarter Horse Show	\$12,048	\$12,624
Barrett Jackson Classic Car Auction	\$21,840	\$20,000
National Festival of the West	\$11,712	\$12,432
IMG Arizona Men's Tennis	\$12,057	\$16,560
FBR (Phoenix) Open	\$21,744	\$20,000
Scottsdale Arabian Horse Show	\$18,720	\$20,000
Scottsdale Downtown Art Walks	\$17,472	\$20,000
Total	\$115,593	\$121,616

- B. Authorize and direct the Tourism Development Manager to execute, on behalf of the City, individual agreements with each approved Signature Event Producer.
- C. Approve Resolution No. 6409 authorizing funding awards for the 2003-2004 Signature Events and authorizing the Tourism Development Manager to execute individual agreements with each Event Producer.

Related Policies, References: Ordinance No. 2049/2702 (amended) provides for the expenditure of bed tax funds for event promotion.

Staff Contact(s): David Roderique, General Manager-Economic Vitality, 480-312-7601, droderique@scottsdaleaz.gov; Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-705, kcoconnor@scottsdaleAZ.gov

Kathy Carlisle O'Connor provided background information and the current status of signature events. She further discussed the three options recommended by staff.

Mayor Manross emphasized the benefits derived from the Parada del Sol and felt it should be supported. She also felt Culinary Events should be supported, and saw a need for other categories and different criteria for consideration.

Michelle Truman, 6505 E Sunnyside, 85254, spoke in support of using bed tax dollars for Parada del Sol.

Patrick Oliver, 8201 E Jackrabbit, 85250, also spoke in support of Parada del Sol. Responding to Councilman Ortega, Mr. Oliver said the parade would run north again this year.

Mary Brown, PO Box 12966, 85254, listed the benefits the city derives from Festival of the West and stressed the need for additional funding.

Councilman Silverman felt the system needed to be revised to ensure fair consideration for all events and agreed these western events should be included.

Councilman Ortega pointed out that the city's General Plan called for support of events, including the Parada del Sol, Culinary Festival, and Art Festival. He supported the recommendations of the Tourism Development Commission and also recommended the city fund the Parada del Sol, to the same extent as last year, out of the general contingency, and make up the difference for the Festival of the West program.

MOTION – ITEM 3

COUNCILMAN ORTEGA MOVED FOR AUTHORIZATION OF \$115,593 AS RECOMMENDED IN RESOLUTION 6409, PLUS ADDITIONAL FUNDING OF \$3,288 FOR FESTIVAL OF THE WEST, AND FUNDING FOR PARADA DEL SOL IN THE AMOUNT OF \$12,144, FROM POTENTIAL BED TAX RECEIPTS BACKED-UP FROM THE GENERAL FUND CONTINGENCY FUND IF THEY WEREN'T SUFFICIENT. COUNCILMAN LITTLEFIELD SECONDED THE MOTION (which carried as amended below 6/0).

Vice Mayor Ecton suggested that the Phoenix Open and Barrett Jackson be moved back to the \$20,000 they received last year and apply that additional money to the other functions.

Mayor Manross wondered if there was interest in funding the Culinary Festival this year.

COUNCILMAN ORTEGA AMENDED HIS MOTION TO INCLUDE FUNDING IN THE AMOUNT OF \$15,312 FOR THE CULINARY FESTIVAL. COUNCILMAN LITTLEFIELD AGREED (which carried as amended 6/0).

Councilman Silverman supported the additional funding and hoped for a more streamlined process in the future. He did not want to roll back any of the present recommendations, or take from one pocket and place it in another.

Ms. Dolan clarified the motion now included an additional \$30,747, and if bed tax started picking up the additional amount would be funded. However, if the amount was not funded by June 30, 2004, necessary funding would come from the General Contingency Fund.

VOTE – ITEM 3

Following the discussion, THE MOTION FOR APPROVAL OF ITEM 3 WITH THE AMENDMENT CARRIED 6-0.

Regular Agenda

Items 7 - 8

7. Consideration of the City of Scottsdale 2004 Legislative Program

Request: Adopt the City of Scottsdale 2004 Legislative Program to provide policy direction to the Intergovernmental Relations Office regarding positions on issues to be discussed during the State of Arizona's 2004 Legislative Session.

Staff Contact(s): Steve Olson, Government Relations Director 480 312-2423, solson@scottsdaleaz.gov

Mr. Olson reviewed the significant issues related to Scottsdale that will be addressed during the 2004 legislative session. He further reviewed the seven sections of the Draft Scottsdale Legislative Program and requested direction from the Council.

Councilman Ortega requested a follow-up on what other cities were doing in regard to land preservation to be provided by staff as soon as possible.

MOTION – ITEM 7

COUNCILMAN SILVERMAN MOVED TO ADOPT THE CITY OF SCOTTSDALE 2004 LEGISLATIVE PROGRAM. COUNCILMAN ORTEGA SECONDED THE MOTION (which carried as amended 6/0).

Vice Mayor Ecton felt some statements in the document needed to be strengthened, such as the air quality statement. Discussion was held in regard to restriction of tobacco use, and Vice Mayor Ecton suggested an amendment to the motion to add wording to support public health legislation to prohibit smoking in public areas statewide.

COUNCILMAN SILVERMAN AND COUNCILMAN ORTEGA AGREED TO THE AMENDMENT TO ADD WORDING TO SUPPORT PUBLIC HEALTH LEGISLATION TO PROHIBIT SMOKING IN PUBLIC AREAS STATEWIDE MOTION (which carried as amended 6/0).

Vice Mayor Ecton further commented on the State Commerce Department and the need for more professionalism and coordination in the organization and between the cities. Responding to questions from Vice Mayor Ecton, Mr. Olson pointed out the section in the program that addressed Internet sales.

In further response to Vice Mayor Ecton, Mr. Olson said this document will be distributed to other cities involved, to our legislative delegation, will be used in meetings with leaders of the Senate and House, and would basically be carried around with him wherever he went and referred to often.

Responding to Councilman O'Hearn, Mr. Olson felt we had strong supporters in the legislature this next year.

Following the discussion, THE MOTION FOR ADOPTION OF THE CITY OF SCOTTSDALE 2004 LEGISLATIVE PROGRAM, AS AMENDED, CARRIED 6/0.

8. Cattletrack Ranch Rezoning

Requests:

1. To rezone from Single Family Residential District (R1-43 & R1-35) to Single Family Residential District, Planned Residential Development District (R1-35 PRD) with amended development standards on a 5.5 +/- acre parcel located at the Southwest corner of Cattletrack/Miller Road and Lincoln Drive.
2. To adopt Ordinance No. 3534 affirming the above rezoning.

Location: Southwest corner of Lincoln & Cattletrack

Reference: 12-ZN-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov;

Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@ScottsdaleAZ.gov

Kurt Jones described the site and the surrounding zoning. The case called for an increase in the number of lots allowed from five to seven with the Planning Commission recommending denial.

Lynne Lagarde, representing the applicants Diann Henderson and Alexander Zink, said as a result of five open houses and a lot of personal contact with neighbors, they now had a substantially modified proposal from the original plan of ten lots. She reviewed development information and the amended CC&Rs of Su Casa Subdivision.

Responding to Councilman Silverman, Ms. Lagarde said five neighbors on the western border supported the case and they have only heard opposition from two neighbors. There was unanimous signing of the amended CC&Rs.

Public testimony opened:

Nils Lofgren, 7422 E Berridge Ln, 85250, spoke in opposition to the proposal as it would change the rural lifestyle of the neighborhood.

Don Olliver, 7518 E Krall, 85250, said he has watched the neighborhood deteriorate over the last 10 years, so he supports bringing beauty back to the street.

Barbara Morgenstern, 7426 E Berridge Ln, 85250, disagreed that the neighborhood was deteriorating as evidenced by the cost of homes. She wanted to keep her area rural.

Barney Gonzales, 6349 N Cattletrack Rd, 85250, did not feel the rural character of the area would be changed by this development. Infill areas needed to be looked at on an individual basis and not just looked at on the zoning map.

John Thomas, 7500 E Lincoln Dr, 85250, appreciated the thought the Henderson's had put in to this project, so he was in support.

John Hink, 6301 N 75th St, 85250, whose property abutted the project, spoke in favor as it made a lot of sense. He suggested that a stipulation be added stating that, "No building on the site shall exceed one-story with a maximum height of 24 feet from existing grade."

Cards received from citizens not wishing to speak: eight in favor and three opposed.
Vice Mayor Ecton said he supported the rezoning.

VICE MAYOR ECTON MOVED FOR APPROVAL OF 12-ZN-2003 WITH THE ADDITIONAL STIPULATION IN REGARD TO EXISTING GRADE. COUNCILMAN ORTEGA SECONDED THE MOTION (which carried 6/0).

Councilman Littlefield felt this project would make the area better and supported the motion.

Councilman Silverman agreed the area was deteriorating and felt this was an improvement.

Councilman O'Hearn felt the character of this area would be preserved.

Following the discussion, THE MOTION FOR APPROVAL CARRIED 6/0.

Public Comment – None

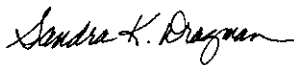
City Manager's Report - None

Mayor and Council Items - None

Adjournment

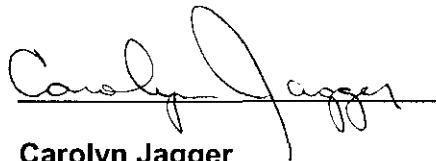
With no further business to discuss, Mayor Manross adjourned the meeting at 7:45 PM.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



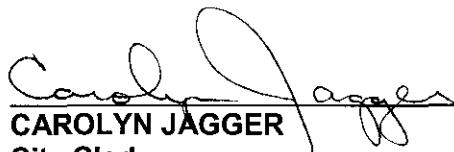
Carolyn Jagger
City Clerk

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular City Council Meeting of the City Council of Scottsdale, Arizona held on the 17th day of November 2003.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 4th day of December 2003.



CAROLYN JAGGER
City Clerk